United Nations S/2010/494

Security Council

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29 September 2010
English
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Letter dated 22 September 2010 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit herewith (see annex) the final communiqué of the seventh meeting of the Permanent Consultative Framework of the Ouagadougou Political Agreement, held on 21 September 2010 under the auspices of His Excellency Mr. Blaise Compaoré, President of Burkina Faso, Facilitator of the Direct Inter-Ivorian Dialogue.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Michel **Kafando**
Ambassador
Permanent Representative

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Annex to the letter dated 22 September 2010 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the Security Council

Final communiqué of the seventh meeting of the Permanent Consultative Framework

1. Convened by His Excellency Mr. Blaise Compaoré, President of Burkina Faso, Facilitator of the Direct Inter-Ivorian Dialogue, the seventh meeting of the Permanent Consultative Framework (the Framework) of the Ouagadougou Political Agreement was held in Ouagadougou, on Tuesday, 21 September 2010.

2. In addition to the Facilitator, the meeting was attended by all the members of the Framework:

- His Excellency Mr. Laurent Gbagbo, President of the Republic of Côte d'Ivoire;
- Mr. Guillaume Kigbafori Soro, Prime Minister of the Republic of Côte d'Ivoire;
- Mr. Henri Konan Bédié, President of the Parti démocratique de Côte d'Ivoire-Rassemblement démocratique africain; and
- Mr. Alassane Dramane Ouattara, President of the Rassemblement des républicains.

3. The meeting started with an official ceremony attended by the members of all the delegations, then continued with private discussions among the members of the Framework.

4. During the opening ceremony, the Facilitator welcomed the members of the Framework and expressed his appreciation for the recent progress achieved in the peace process in Côte d'Ivoire, including the validation of the electoral list and scheduling of the first round of the presidential election for 31 October 2010. He congratulated the Ivorian actors for the significant advances made in the implementation of the various crisis recovery programmes. He also encouraged all the stakeholders to continue their efforts through dialogue and in a spirit of consensus, in order to complete the remaining stages of the electoral process which should culminate in the holding of the first round of the presidential election. As the meeting was being held at a crucial time for the peace process in Côte d'Ivoire, the Facilitator expressed the wish that it would focus on implementation of the electoral timetable and on performance of the remaining tasks leading up to the country's reunification. Lastly, he expressed the hope that the meeting would provide an ideal opportunity for a collective leap forward in the peace process in Côte d'Ivoire.

5. The members of the Framework held their discussions in an atmosphere of fraternity and frank collaboration, focusing on the evaluation of the implementation of the Ouagadougou Political Agreement and its Supplementary Agreements, the electoral timetable and the requirements for the holding of free, transparent and democratic elections in Côte d'Ivoire.

6. In that connection, the Prime Minister, Mr. Guillaume Soro, introduced the report evaluating the implementation of the Ouagadougou Political Agreement and

the fourth Supplementary Agreement thereto. The Chairman of the Independent Electoral Commission (IEC), Mr. Youssouf Bakayoko, also briefed the members on the latest developments in the electoral process, including the outcome of the dispute over registration on the electoral list, which led to the consolidation and validation of the final electoral list of 5,725,720 registered voters. He also briefed the members on the various stages of the electoral timetable.

7. Following these presentations, the members of the Framework welcomed the significant progress made in the electoral process and took note of the following decisions which had already been endorsed by the Ivorian stakeholders:

- Scheduling by the Government, following a proposal from IEC, of the first round of the presidential election for 31 October 2010;
- Adoption by IEC of the timetable for the key stages of the electoral process;
- Validation of the final electoral list by IEC and signature by the President of the Republic of the decree authorizing the issue of national identity cards to the 5,725,720 registered voters.

8. Given the challenges to be overcome before the presidential election, the members of the Framework made an urgent appeal to the Government, IEC and all the relevant stakeholders, to ensure that all the key stages of the electoral process are completed in the best possible conditions and on time. These stages include publication of the electoral map; posting of the electoral list; production and distribution of national identity cards and voter registration cards, transport and distribution of election materials and documents, recruitment and training of election officers, public awareness and civic education with input from civil society, provision of security for the elections by the Integrated Command Centre, with the support of the Impartial Forces, if necessary.

9. Reiterating the recommendation adopted at their sixth meeting on the situation of applicants concerned about factual errors following their registration, the members of the Framework recommended that, following the presidential election, the status of the approximately 55,000 applicants who were removed from the final electoral list following verification of the provisional electoral list by the Civil Registry, should be examined carefully by an ad hoc technical committee at the same time as all cases of duplication and other types of errors.

10. The members of the Framework acknowledged the need for concerted action in the distribution of national identity cards and voter registration cards. They recommended that the Prime Minister should take all the necessary measures to ensure that all the relevant bodies — IEC, the National Commission for the Supervision of Identification, the National Statistical Institute, SAGEM and the National Identification Office — participated in the activity, because they all had to work constructively together for it to be successful.

11. In order to ensure that the 31 October 2010 presidential election was conducted without a hitch, the Framework members called upon the political parties and the candidates to comply strictly with the Code of Good Conduct signed on 24 April 2008 and to conduct a peaceful election campaign. In particular, they emphasized the need for IEC to ensure that all candidates had fair and equal access to the State media in the lead-up to the election campaign and during the campaign itself. They also appealed to the sense of patriotism and spirit of fair play of the

candidates and their supporters to ensure that the election results were accepted by all.

12. Examining issues related to the reunification of Côte d'Ivoire, the members of the Framework welcomed the fact that the cantonment exercise, begun on 15 June 2010, of the 5,000 Forces armées des Forces nouvelles (FAFN) elements who volunteered for the new army (VAN), in four special instruction units based in Korhogo, Séguéla, Bouaké and Man, was going smoothly. They also welcomed the big strides made in the restoration of the single State exchequer in the Centre-North-West zone with the effective establishment of joint customs brigades, including in Pogo, Ouangolodougou, Feressédougou, Korhogo, Bouaké and Man. They urged the signatories to implement the measures set out in the fourth Supplementary Agreement to the Ouagadougou Political Agreement in order to further consolidate the reunification of Côte d'Ivoire.

13. The members of the Framework commended the efforts of the Government of Côte d'Ivoire and external partners which had made it possible to mobilize the financial resources needed for the implementation of the various activities, particularly the electoral process. They encouraged them to remain engaged and to make the final effort needed to finance the remaining activities of the process.

14. At the end of the meeting, the members of the Framework paid tribute to His Excellency Mr. Blaise Compaoré, President of Burkina Faso, Facilitator of the Direct Inter-Ivorian Dialogue, for his ongoing, effective and crucial efforts, pursuant to his mandate, to find a successful resolution to the crisis in Côte d'Ivoire, through the organization of fair, free and transparent elections.

15. The Permanent Consultative Framework decided to hold its next meeting after the presidential election in Côte d'Ivoire, to take stock of the crisis recovery process.

Done in Ouagadougou, 21 September 2010

(*Signed*) Laurent **Gbagbo**
President of the Republic of Côte d'Ivoire

(*Signed*) Guillaume Kigbafori **Soro**
Prime Minister

(*Signed*) Henri Konan **Bédié**
President, Parti démocratique de Côte d'Ivoire-Rassemblement démocratique africain

(*Signed*) Alassane Dramane **Ouattara**
President, Rassemblement des républicains

(*Signed*) Blaise **Compaoré**
President of Burkina Faso
Facilitator, Direct Inter-Ivorian Dialogue

United Nations S/2010/495

Security Council

Distr.: General
29 September 2010

Original: English

United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Recalling all its previous resolutions on Sierra Leone, in particular resolution 1132 (1997) and 1171 (1998),

Recalling further its readiness to terminate the measures once the control of the Government of Sierra Leone has been fully re-established over all its territory, and when all non-governmental forces have been disarmed and demobilized,

Reaffirming its commitment to support the recovery of Sierra Leone from conflict and to the country's peace, security and development,

Commending the continuing role of the United Nations Integrated Peacebuilding Office in Sierra Leone in this regard,

Welcoming the letter to the President of the Council dated 9 September 2010 from the Permanent Representative of the Republic of Sierra Leone, updating the Council on the situation in Sierra Leone and requesting that the measures in place be lifted,

Commending the work of the Security Council Committee established pursuant to paragraph 10 of resolution 1132 (1997) concerning Sierra Leone,

Taking note of the 2009 Report of the Committee pursuant to resolution 1132 (1997) concerning Sierra Leone (S/2009/690) and, in particular, the Chairman's observations in paragraph 17,

Urging all States to cooperate with and render assistance to the Special Court for Sierra Leone, or any institution to which the Special Court has transferred his case, to bring Johnny Paul Koroma to justice if he is found to be alive, and calls on him to surrender,

Calling on all States to cooperate with the International Criminal Police Organisation (INTERPOL) in apprehending and transferring Johhny Paul Koroma, if he is found to be alive,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to terminate, with immediate effect, the measures set forth in paragraphs 2, 4 and 5 of resolution 1171 (1998);

2. *Decides further* to dissolve the Committee established by paragraph 10 of resolution 1132 (1997) with immediate effect.

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United Nations S/2010/496

Security Council

Distr.: General
29 September 2010

Original: English

United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Recalling its previous Resolutions and the Statements of its President concerning the situation in Sierra Leone, in particular resolution 1886 (2009),

Welcoming the Secretary-General's visit to Sierra Leone and *commending* the valuable contribution that the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) has made to peacebuilding efforts and to the country's peace, security and development,

Welcoming also, the report of the Secretary-General dated 17 September 2010 (S/2010/471) and his recommendation that the mandate of UNIPSIL be extended for a period of one year, with a view to providing continued peacebuilding assistance to the Government of Sierra Leone, including preparations for the elections in 2012,

Mindful of the United Nations' efforts in assisting the Government to address the capacity challenges of the national electoral institutions, *noting* the potential for an increase in tensions during the preparation for and the period leading up to the 2012 elections in Sierra Leone, due to political, security, socio-economic and humanitarian challenges,

Calling upon the Government and the international community to focus on fostering an environment that is conducive to the holding of free and fair elections by strengthening institutions that administer and oversee the electoral process and in so doing, contribute to the institutional development and continued stability of the country,

Emphasizing the importance of the continued integrated support of the United Nations system and the international community for the long-term peace, security and development of Sierra Leone, particularly through strengthening the capacity of the Government of Sierra Leone,

Welcoming the steady progress the Government has made in implementing the Agenda for Change, as indicated in the Joint Progress Report undertaken by the Government in close collaboration with its international partners and civil society, *noting* the challenges that remain to be addressed in the Government's national peacebuilding strategy and the efforts being made to address them, and *calling upon* all international partners to align their assistance with the priorities outlined in the Joint Progress Report,

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Acknowledging the role that the Peacebuilding Commission plays in support of the peacebuilding efforts in Sierra Leone, *welcoming* the Review of the Outcome of the High-level Special Session of the Peacebuilding Commission on Sierra Leone of 28 September 2010 (PBC/4/SLE/3), and *noting* the contribution that the Peacebuilding Fund has made to peacebuilding in Sierra Leone,

Welcoming the ongoing implementation of the 2 April 2009 Joint Communiqué by the political parties and their contributions towards a sustained cessation of the political violence in Sierra Leone, and *calling upon* all political parties to continue to adhere to its provisions and ensure its full implementation,

Commending UNIPSIL and the United Nations Country Team's continuing efforts to work together to achieve the integration of the political, development and humanitarian mandates of the mission set forth in the United Nations Joint Vision, and *encouraging* all United Nations entities in Sierra Leone to continue the implementation of the Joint Vision, and *calling* on Sierra Leone's bilateral and multilateral partners to provide the necessary resources to implement the Joint Vision,

Reiterating its appreciation for the work of the Special Court for Sierra Leone, *stressing* the importance of the trial of former Liberian President Charles Taylor by the Court, *welcoming* the completion of all the other cases, as well as effective outreach on the trials at the local level, *reiterating* its expectation that the Court will finish its work as soon as possible, and *calling upon* Member States to contribute generously to the Court and the proposed Residual Special Court,

Reaffirming resolution 1940 (2010) lifting all remaining sanctions in relation to Sierra Leone and *recalling* that the responsibility for controlling the circulation of small arms within the territory of Sierra Leone and between Sierra Leone and neighbouring States rests with the relevant governmental authorities in accordance with the Economic Community Of West African States Convention on Small Arms and Light Weapons of 2006,

Welcoming the role played by ECOWAS and *encouraging* the Member States of the Mano River Union and other regional organizations to continue their dialogue aimed at consolidating regional peace and security,

1. *Decides* to extend the mandate of UNIPSIL, as set out in resolutions 1829 (2008) and 1886 (2009), until 15 September 2011;

2. *Emphasizes* the importance of UNIPSIL achieving jointly with the UN Country Team, the objectives outlined in the Joint Vision within their respective mandates, including focusing on:

(i) providing support to the Government for the preparation of the 2012 elections as requested;

(ii) providing assistance to conflict prevention and mitigation efforts, and promoting dialogue among political parties, the Government and all relevant stakeholders;

(iii) assisting the Government and national institutions in tackling youth unemployment, including through supporting training, education and skills provision;

(iv) providing assistance to the Government in promoting good governance, the rule of law and human rights, including institutional reform; combating illicit drug trafficking and organized crime; combating corruption; providing support to the Human Rights Commission; and assisting in strengthening national capacity building in the areas of law enforcement, forensics, border management, money laundering and the strengthening of criminal justice institutions;

3. *Calls* upon the Government of Sierra Leone, with the support of UNIPSIL and all other stakeholders in the country to increase their efforts to take measures to combat corruption, improve accountability, and promote the development of the private sector in order to generate wealth and employment opportunities;

4. *Calls* upon the Government of Sierra Leone, with the support of UNIPSIL, development partners and other stakeholders to continue good governance reform by supporting the Anti-Corruption Commission to increase the transparency and management of Sierra Leone's natural and mineral resources for the benefit of all Sierra Leoneans and mitigating the risk of resource based conflict; to intensify efforts against illicit drug trafficking through strengthening the Transnational Organised Crime Unit; and to promote human rights, including through implementation of the recommendations of the Truth and Reconciliation Commission;

5. *Encourages* the Executive Representative of the Secretary-General to continue with the progress already made to enhance the integration and effectiveness of United Nations efforts on the ground, in support of the implementation of the Joint Vision in Sierra Leone and the recovery and development priorities of the Government and people of Sierra Leone;

6. *Calls upon* the Secretary-General to continue to report on progress achieved towards meeting the benchmarks, including in supporting the capacity of key national institutions to be able to adequately address the causes of conflict and manage political disputes by themselves, for the transition of UNIPSIL into a UN Country Team as agreed upon by the Government and the United Nations in the Joint Vision for Sierra Leone, and the particular challenges involved in preparing for the 2012 elections;

7. *Emphasizes* that the Government of Sierra Leone bears the primary responsibility for peacebuilding, security and long-term development in the country, and *encourages* the Government of Sierra Leone to continue its implementation of the Agenda for Change, and international partners to continue to provide support to the Government;

8. *Encourages* the Peacebuilding Commission to provide support to the Government of Sierra Leone in preparation for the 2012 elections as requested, including the potential to mobilize support from international partners, that is required for the implementation of the Government's Agenda for Change and the UN's Joint Vision Strategy and in that regard to advise and keep the Council updated, including on progress made in meeting core peacebuilding objectives, as necessary;

9. *Urges* the Government to accelerate the promotion of national unity and reconciliation;

10. *Commends* the Government for recognizing the important role of women in the prevention and resolution of conflicts and in peacebuilding, as referred to in resolutions 1325 (2000) and 1820 (2008) by establishing national strategies, *underscores* the importance that the Government continue its effort in addressing sexual and gender-based violence, and encourages UNIPSIL to work with the Government of Sierra Leone in this area;

11. *Requests* that the Secretary-General keep the Council informed every six months of progress made in the implementation of the mandate of UNIPSIL and this resolution;

12. *Decides* to remain actively seized of the matter.

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Security Council

Distr.: General
29 September 2010

Original: English

Letter dated 28 September 2010 from the Chair of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004), submitted in accordance with paragraph 30 of resolution 1904 (2009).

The report, on the outcome of the review of the names on the Consolidated List described in paragraph 25 of resolution 1822 (2008), is currently being considered by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities.

I should be grateful if the report could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Thomas **Mayr-Harting**
Chair
Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

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Letter dated 31 August 2010 from the Coordinator of the Analytical Support and Sanctions Monitoring Team addressed to the Chair of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

The Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004) and extended by Security Council resolution 1904 (2009) concerning Al-Qaida and the Taliban and associated individuals and entities has the honour to transmit to you its report on the outcome of the review described in paragraph 25 of resolution 1822 (2008), in accordance with paragraph 30 of resolution 1904 (2009).

(*Signed*) Richard **Barrett**
Coordinator

Report of the Analytical Support and Sanctions Monitoring Team on the outcome of the review described in paragraph 25 of resolution 1822 (2008) submitted pursuant to paragraph 30 of resolution 1904 (2009)

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I. Summary

1. This report concerns the review of the Consolidated List conducted from 30 June 2008 to 31 July 2010 by the Committee established pursuant to resolution 1267 (1999). The review examined 488 names of individuals, groups and entities subject to the Al-Qaida and Taliban sanctions regime in order to update their entries or remove them from the List where the Committee decided that their listing was no longer appropriate. Although it conducted its review in closed meetings, the Committee consulted widely. It sought information from a total of 89 States: 63 in their capacity as designating States,[1] and 58 in their capacity as the State of residence or citizenship for individuals, or as the State of incorporation or location for entities.[2]

2. This was the first such review conducted by a Security Council sanctions committee and it attracted much public attention and high expectations. While it is early to predict the long-term effects of the review, the Committee removed 45 names from the List as a result, and is likely to accept over 450 amendments to the remaining entries. Furthermore, in addition to addressing the accuracy and relevance of the List, the review went some way towards meeting widespread calls for greater transparency and consultation with regard to the Committee's listing and de-listing procedures.

3. The remarkable level of engagement between the Committee and other Member States during the review suggested that a large group of States continues to share the Security Council's concern that there should be a coordinated international response to the threat from Al-Qaida and the Taliban. These States appear to support both the symbolic and the practical objectives of the sanctions regime, and wish to see them strengthened. If future reviews attract as good a response, they will lead to further improvements to the efficiency and relevance of the sanctions regime, and therefore to its implementation.

4. This will depend however, on States believing that it is worth their while to go to the considerable effort required to supply information to the Committee. In its turn, the Committee will need to continue to promote a wider sense of ownership of the sanctions regime and ensure that it provides real support for the national efforts of States that seek to address the threat from Al-Qaida and the Taliban.

5. The Committee is now embarked on a continuous series of reviews, as directed by the Security Council in resolution 1904 (2009), and the Analytical Support and Sanctions Monitoring Team recommends ways to ensure that they achieve their aims. Nonetheless, this first review has already set a standard for thoroughness that others will wish to emulate. In addition to the willing engagement of States, future reviews will benefit, as did this, from a clear sense of purpose, effective organization, strong chairmanship and the active participation of Committee members.

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[1] The designating State is the State that proposed the name for listing. Where more than one State joined in a proposal for listing, the Committee consulted them all. Many States designated more than one name.

[2] The Committee approached some States both as designating State and as State of nationality, residence, location or operation. In some cases the Committee approached a State as the most likely State of residence.

II. Introduction

6. The Security Council has imposed an international sanctions regime against Al-Qaida and the Taliban which is overseen by a committee of all 15 of its members.[3] The Committee manages the Consolidated List which contains the names of all individuals, groups and entities associated with Al-Qaida and the Taliban that are subject to sanctions. The Committee is supported by the Analytical Support and Sanctions Monitoring Team, established pursuant to Security Council resolution 1526 (2004) and extended by resolution 1904 (2009).

7. By resolution 1822 (2008), paragraph 25, the Security Council directed the Committee to conduct a review of all names on the Consolidated List at the date of adoption of the resolution to ensure that the Consolidated List is as updated and accurate as possible and to confirm that listing remains appropriate. This was the first time that the Security Council had mandated such a review of any of its sanctions regimes. It was prompted to do so by the need to ensure that Security Council action against Al-Qaida and the Taliban remained relevant to the threat and that the targets of the sanctions were sufficiently well identified to allow Member States to take the required action against them.[4]

8. The present report results from resolution 1904 (2009), paragraph 30, by which the Security Council requested the Monitoring Team to submit a report to the Committee by 30 July 2010 on the outcome of the review and the efforts made by the Committee, Member States and the Monitoring Team to conduct the review. The date of 30 July was subsequently changed to 31 August following a Council decision to grant an extension of one month to the Committee to complete its review.[5]

9. This report covers the background, methodology, process and results of the Committee's review. It summarizes the Committee's interaction with Member States and the assistance provided to the Committee and Member States by the Monitoring Team. In addition, the report suggests ways in which the Committee might approach future reviews, as directed by the Council in paragraphs 26, 31 and 32 of resolution 1904 (2009).

III. The need for a review

10. The Committee first added names to its sanctions List in January 2001 and since then it has sought to keep the List up to date and improve its accuracy by adding and removing names and by amending entries as more information about them became available. This process however, lost momentum as the impetus provided by the attacks in the United States of America on 11 September 2001 fell away. At 30 June 2008 two thirds of the 488 entries on the List dated back to 2002 or earlier.[6] In addition, 16 individuals were noted on the List to be dead or believed

[3] The Committee is formally named after resolution 1267 (1999), by which the regime was first established as "the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities".

[4] An assets freeze, a travel ban and an arms embargo.

[5] Largely in order to allow more time for comment from the Government of Afghanistan. See letter from the President of the Security Council to the Chair of the Committee (S/2010/342).

[6] Of the 488 entries, 267 dated back to 2001, 54 to 2002, 77 to 2003, and 44 to 2004.

to be dead,[7] and 77 individuals had fewer than four basic identifiers,[8] which the Team considers the minimum necessary to allow effective implementation of the sanctions measures. Although the Committee had improved many entries over the years, by 2008 the List had begun to look dated and increasingly in need of a thorough overhaul.

11. Another factor behind the review was the concern expressed by many States that the sanctions regime lacked fairness. Although the measures are preventive, many States regard their effect as punitive and therefore requiring basic legal protections for the listed parties. The sanctions measures also have no expiry date, which some States see as compounding their lack of fairness. The Committee has made several major improvements to its procedures for listing and de-listing since 2001 but, nonetheless, as at 30 June 2008 the Team knew of cases before national and regional courts concerning 22 listed individuals and entities that had challenged the implementation of sanctions against them as lacking fairness and transparency. The decision to publish a narrative summary of reasons for listing for each list entry on the Committee's website went some way to satisfy the calls for transparency,[9] but the review was a good way to test the listings against the background of these legal concerns.

12. A further issue of importance to many States was that the Committee gives no clear role to the State of citizenship or residence — or incorporation or operation in the case of entities — in its listing and de-listing procedures. States argue that, as a result, the Committee may make listing or de-listing decisions without access to important information, and that the initial List entries may contain errors. While the Committee may still consider listing and de-listing submissions without consulting States of residence or nationality, the review required their involvement, and so provided an effective if belated way of giving them a voice.

13. The Security Council was aware of these problems well before the adoption of resolution 1822 (2008) and had made every effort to ensure that new entries on the List contained adequate identifiers,[10] and to improve existing ones.[11] The Committee had also considered the idea of a review. Section 6 (i) of its Guidelines, as amended in 2007, required the Committee secretariat to circulate all names on the Consolidated List that had not been updated in four or more years, inviting any Committee member to request a review of the listing. However, of the 115 listed entries that qualified for a review, the Committee examined only two. The review mandated by resolution 1822 (2008), demanding a review of all names on the List at that time, was of altogether a different order in scope, thoroughness and the amount of effort required.

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[7] The Team believed that 14 others might also have died. A similar but less visible issue was the continued listing of defunct entities.

[8] Basic identifiers for individuals are considered by the Team to be full name, date of birth, place of birth and nationality (S/2008/324, para. 24).

[9] Mandated by the Council in resolution 1822 (2008), para. 13.

[10] By paragraph 17 of resolution 1526 (2004) the Council called upon all States, when submitting new names to the Committee's List, to include identifying information and background information, to the greatest extent possible. By paragraph 7 of resolution 1735 (2006) the Council called upon States to use the cover sheet when proposing names for the Consolidated List.

[11] By paragraph 11 of resolution 1617 (2005) the Council directed the Committee to encourage Member States to provide additional information for inclusion on the List.

IV. The conduct of the review

A. Preparing for the review

14. The preparatory phase of the review lasted from the adoption of resolution 1822 (2008) on 30 June 2008 until the first review meeting held by the Committee on 4 May 2009. On 9 December 2008, the Committee revised its Guidelines by adding a new section "Review of the Consolidated List" (section 9). In accordance with the revised Guidelines, the Committee divided the 488 names on the List, comprising 142 names associated with the Taliban, and 235 individuals and 111 entities associated with Al-Qaida, into five batches, and then sent them out at roughly three-monthly intervals to the relevant designating States, together with copies of the documents they had submitted with their original listing proposals.

15. At the same time, the Monitoring Team provided those States with the corresponding narrative summaries of reasons for listing that it had drafted in accordance with paragraph 13 of resolution 1822 (2008). The Committee also sent the names of listed individuals to the States of citizenship and residence, where these were known, and the names of listed entities to the States of incorporation and location. In all the Committee approached 89 States for further information and to ask whether they believed the listings remained appropriate.[12]

16. The reviewing States then had three months to provide any additional identifying or other information that had a bearing on the List entry, such as updates on the operating status of listed entities, or the movement, incarceration or death of listed individuals, or new terrorist-related charges brought against them. In cases where States did not respond within three months, even after reminders, the Committee secretariat would ask them whether or not they intended to reply.

17. The response from States was steady but not uniform and, rather than stretch out the process indefinitely, the Security Council decided in December 2009, in paragraph 29 of resolution 1904 (2009), to request that all States concerned respond to requests from the Committee for information relevant to the review no later than 1 March 2010. This not only encouraged States to send in their replies, but also authorized the Committee to proceed without them.

18. Following the collection of information from States, the Chair would circulate a package that also included the original listing request and other available information where it existed, such as the cover sheet, statement of case, and the narrative summary of reasons for listing. This went to the members of the Committee, and to the Monitoring Team, with a request that they provide any additional information within one month. At the end of the one-month period, the Chair would circulate all available information received, including the views of relevant Member States on the appropriateness of the listing, and place the name on the Committee's agenda. The Committee would then conduct its review.

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[12] Some other States asked the Team why the Committee had not contacted them for their views on particular names, but this was because those States were neither designating States nor mentioned in the List entry as the State of nationality, residence or incorporation. Where appropriate, the Team has submitted amendments to the List which will ensure the inclusion of those States in future reviews.

B. Role of Member States

19. The engagement of Member States was essential to the success of the review. Although the Committee had access to the information submitted by States with their original listing request, this sometimes amounted to very little. Before the Security Council adopted resolution 1617 (2005) States did not have to submit supporting information with their listing proposals,[13] and there was no requirement to update the List at regular intervals. At the start of the review over 400 names lacked a full statement of case.

20. To collect more information, the Committee sent out 1,540 requests to Member States. It received replies to 1,227. More than one third of the outstanding 313 enquiries related to Taliban individuals and relied on the Government of Afghanistan completing its investigations against a background of limited resources, poor records and many competing priorities.

21. The Committee approached 63 States in their capacity as designating States. It received a 100 per cent response from the designating States for the 142 Taliban names and from all but one designating State[14] for the 235 Al-Qaida individuals. There was a response rate of over 90 per cent from the designating States of the 111 listed Al-Qaida entities, and those that did not reply were co-designating States, the great majority being part of a large group that co-designated Jemaah Islamiyah in 2002.[15]

22. The Committee contacted 44 States in their capacity as States of nationality or residence for individuals on the List. All but seven replied to some extent, though not necessarily on all relevant names, which suggests that many listed individuals operate out of sight of the authorities. The Committee approached 51 States where it believed listed entities were operating, but only just over half were able to reply.

23. Although the work required to provide information for the review was considerable, especially for States with many designations, or nationals, residents or entities on the List, almost all States took the exercise seriously. States offered their opinion on the appropriateness of the listings, and in most cases did their best to provide further detail, although this often meant their going through a lengthy national process to clear classified material for release to the Committee. Committee members were also involved, and the permanent members of the Security Council together submitted 627 replies to the Committee in one capacity or another.

24. Despite invitations from the Committee to appear before it, and the bilateral efforts of some Committee members to engage them, many States feel that they have limited influence over the decisions of the Committee. In particular, States of residence and nationality (or incorporation or location for entities) have frequently complained that the Committee has added or removed a name without consulting them, even though they are the ones that are most likely to know about the case. This has led to accusations of double standards or even to the sense that the sanctions regime reflects the concerns of Committee members more than those of

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[13] See resolution 1617 (2005), para. 4. States were called upon to do so in paragraph 17 of resolution 1526 (2004), but did not have to.

[14] A co-designating State for only one name.

[15] Of the 18 States that did not reply, 17 were co-designators of Jemaah Islamiyah (QE.J.92.02).

other Member States, including those that face the greatest threat from Al-Qaida and the Taliban.

25. The review provided some counterweight to this opinion by offering a clear opportunity for all concerned States to give their opinions on relevant listings. States may look at the result of the review and ask how often their contribution made a difference, but the Committee almost invariably acceded to a recommendation from a State of nationality or residence or incorporation to retain a name on the List. This was not always the case, however, if the recommendation was to remove a name. The Committee received 161 de-listing proposals of which it accepted 45, rejected 39, and postponed a decision on 63; 14 were withdrawn by the proposing State. It is interesting to note that it was the permanent members of the Security Council that found their opinions rejected most often; together, the permanent members were parties to 123 de-listing proposals.

C. Monitoring Team

26. Resolution 1822 (2008) does not specify any particular role in the review for the Monitoring Team; however, one of the Team's main functions is to gather information from Member States on behalf of the Committee, and in the context of the review it collected additional detail from official sources on a great many names. The Team also offered help to Member States that found it hard to reply in a timely fashion to the Chair's letters concerning the review, or sought advice on what was required. The Team was also able to use its country visits and regional meetings with relevant States to collect or verify information regarding the names under review.

27. The Team also collected a significant amount of information from Member States while preparing narrative summaries of reasons for listing, as required by resolution 1822 (2008). The narrative summaries draw from information submitted by designating States with their original listing proposals and from subsequent communications with the Committee, but for many names this did not amount to much and the Monitoring Team had to collect additional information through correspondence with States, country visits or from publicly available official sources. Once agreed with the designating State(s), such information became an integral part of the draft narrative summaries submitted to the Committee and therefore constituted an important part of the review package circulated to Committee members.

28. Information contained in the narrative summaries was particularly relevant when determining whether a listing remained appropriate, and, as well as detailing the activities of listed parties, States provided the Team with considerable additional information about their identity, whereabouts and the result of legal action brought against them.[16] While members of the Committee may have had access to other, undisclosed information, the Team noticed that, with regard to several names, the narrative summaries were the only source of substantive information about the individual's or entity's association with Al-Qaida, Osama bin Laden or the Taliban available to the Committee as a whole.

[16] States provided details of 74 legal cases involving listed parties.

D. Consideration of the names by the Committee

29. The Committee considered the 488 names for review during 40 meetings held from 4 May 2009 to 29 July 2010. By 30 June 2010, the deadline stipulated by both resolutions 1822 (2008) and 1904 (2009), the Committee had reviewed 362 list entries, comprising 16 individuals associated with the Taliban, and all 235 individuals and 111 entities associated with Al-Qaida.

30. The Committee was reluctant to complete its review of the remaining 126 listed Taliban names without input from the Government of Afghanistan. This was still outstanding despite two visits to Kabul by the Monitoring Team to help the authorities collate the available information, and a direct appeal by the Chair during the Security Council visit to Afghanistan in June 2010. The Afghan authorities decided to ask for more time and, as a result, on 28 June 2010, the Chair of the Committee requested the Security Council to extend the review until 31 July 2010, to which the Council agreed. The Committee duly completed its review before the new deadline.

31. Review meetings quickly adopted a standard pattern. The Chair and then the Monitoring Team would introduce each name by setting out the details of the case, the opinions of the reviewing State(s), and any new information available. The Committee would then discuss the case and the Chair would sum up, either by asking the other members to confirm that the listing remained appropriate, or by saying that he would circulate a de-listing request, or by proposing that the Committee suspend its review until further information became available.

32. If no reviewing State or Committee member proposed the removal of a name, it was confirmed as appropriately listed and the review was concluded. In cases where a reviewing State[17] proposed the removal of a name, the Chair would circulate a de-listing proposal under the Committee's (then) five-day no-objection procedure in accordance with its Guidelines. The State proposing de-listing did not have to complete the standard form for de-listing or provide a statement supporting its proposal, although invariably the Committee would request some basic argumentation. In cases where the Committee found that information available to the Committee at the time of the review was not sufficient to make a decision as to whether the listing of the individual or entity concerned remained appropriate, the Committee would directly, or through the Monitoring Team, contact the relevant Member State(s) to request further detail.

33. The criteria for retaining a name on the List mirrored the criteria for listing set out in the relevant Security Council resolutions, in particular in paragraphs 2 and 3 of resolution 1617 (2005) as reaffirmed in paragraphs 2 and 3 of resolution 1904 (2009).[18] In accordance with its Guidelines, the Committee retained a name on the List if one or more of its members objected to its removal. To decide if a List entry

[17] A designating State or State of nationality, residence, incorporation or location.

[18] These are: participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of; supplying, selling or transferring arms and related materiel to; recruiting for; or otherwise supporting acts or activities of Al-Qaida, Osama bin Laden or the Taliban, or any cell, affiliate, splinter group or derivative thereof; and any undertaking or entity owned or controlled, directly or indirectly, by, or otherwise supporting, such an individual, group, undertaking or entity associated with Al-Qaida, Osama bin Laden or the Taliban.

lacked identifiers, the Committee would often apply the standards used by INTERPOL, which issues to national law enforcement agencies INTERPOL — United Nations Security Council Special Notices on all listed individuals and entities that have a minimum of two identifiers.

34. On the conclusion of the review, the secretariat would notify the State where the individual or entity was believed to be located and, in the case of individuals, the State of citizenship, so that they could notify the party concerned. The Committee would also publicize the result of the review through press releases and on its website.

1. Role of the Chair

35. The role of the Chair of the Committee and his delegation was of particular importance in the conduct of the review, not just in organizing its structure but also in encouraging a thorough consideration of the names. Even before the review began, the Chair made public the Committee's intention to ensure that it would be more than a paper exercise. He also stressed the importance of allowing all reviewing States to express their opinion on relevant listings and he did what he could to ensure that they had sufficient time to do so.

36. The Chair also played an important role during Committee meetings by encouraging members to explain their position on listings when these were in opposition to those of other States, and by taking the initiative to propose de-listings for people believed to be dead or List entries which lacked identifiers. The Chair also made direct approaches to the authorities of States to explain the objectives of the review and encourage their participation. This strong leadership undoubtedly encouraged many States to devote more time, energy and thought to the review than might otherwise have been the case.

37. The Chair also kept Member States and the public informed of the progress of the review by conducting regular briefings and press conferences.[19]

2. Role of the Committee members

38. The diligence shown by all members of the Committee towards the review was also important for its success. Members of the Committee were designating States or co-designating States for over 80 per cent of all names reviewed and so provided a great deal of the information available to the Committee. They were also responsible for the bulk of the de-listing requests. Permanent Missions in New York worked closely with officials in their capitals to ensure that their contributions as reviewing States were as complete as possible, even though they had the option to provide nothing beyond their opinion on the appropriateness of the listings.

39. All 10 elected members of the Security Council joined the Committee after the adoption of resolution 1822 (2008) and five of them joined when the review was already well under way. Their initial unfamiliarity with the process, let alone the sheer volume of work involved, may have been one reason that discussion of the names under review was limited, although there was some interrogation of the information provided by the Monitoring Team during Committee meetings.

[19] The Chair gave four open briefings and three press briefings in the course of the review.

40. A more likely reason however, is that, as is normal, representatives were acting on instructions rather than examining the files themselves. The main consideration of the names took place in capitals, often involving bilateral or multilateral consultations between Committee members, but always outside Committee meetings. As a result, some members of the Committee who had no information on a name and had not been part of the consultations may have felt peripheral to the decision-making process; but, although there could have been a more open exchange at Committee meetings, all members had, and often exercised, the option of asking for more detail when they thought it important.

3. Role of the Monitoring Team

41. The Monitoring Team made a factual introduction of the information available on each name as it came up for review, explaining its sources and describing its interaction with the relevant State(s). In some cases where the Committee found that the information available was not sufficient to make a decision as to whether a listing remained appropriate, it asked the Team to seek more information. This was especially true for cases where an individual was believed to be dead but for whom there was no death certificate or equivalent official documentation.

42. Following the conclusion of the review of each name, the Team was tasked to collate all new information received and, if appropriate, propose amendments to the Consolidated List and the narrative summary of reasons for listing.

V. Results of the review

A. Statistical results of the review

43. Of the 488 names reviewed, the Committee found that the listing remained appropriate for 380;[20] of the remaining 108 names it removed 45 from the List and has delayed a final decision on the other 63 pending the receipt of further detail.[21] Member States submitted information during the review that will lead to a total of 465 proposed amendments to the List (and changes to 217 narrative summaries of reasons for listing).[22] Assuming that the Committee agrees to these proposals, and retains the 63 pending names on the List, it will have updated 391 entries as a result of the review.

44. By these measures the review may be considered a success; and it is clear that this success is a result of the unprecedented level of engagement by Member States, whether in their capacity as designating States, States of residence, States of nationality, or States of incorporation or location for entities.

B. Removal of names from the List

45. Since the start of the sanctions regime the Committee has removed 20 Taliban names, 27 Al-Qaida individuals and 36 Al-Qaida entities from the List, including nine Taliban entities after the fall of the Taliban regime. The fact that the de-listing

[20] 105 Taliban (142 before the review), 197 Al-Qaida individuals (235) and 78 Al-Qaida entities (111).

[21] 27 Taliban, 24 Al-Qaida individuals and 12 Al-Qaida entities.

[22] 90 Taliban and 127 Al-Qaida.

of 10 Taliban names, 14 Al-Qaida individuals and 21 Al-Qaida entities resulted from the review shows that without the impetus of a regular examination of the List names may remain there unnecessarily. This is unfair to the persons or entities concerned and bad for the credibility of the List. While the number of names removed from the List should not be seen as a benchmark of the success of the review, the removal of any name that no longer meets the criteria for listing obviously makes the sanctions regime more relevant to the threat and gives implementation of the sanctions measures more purpose.

46. The Committee has under consideration de-listing requests for a further 63 names, and in accordance with paragraphs 41 and 42 of resolution 1904 (2009) has six months to come to a decision, unless extraordinary circumstances require additional time. In all 161 names were considered for de-listing during the review, based on the recommendations of 24 different States, whether a Committee member, a designating State or a State of nationality or residence (or incorporation or location for entities). In several cases there were conflicting recommendations before the Committee as to the continued appropriateness of a listing, and in those cases the Committee tended to give greatest weight to the opinion of designating States.

47. During the review the question arose whether a State suggesting a de-listing should justify its proposal or a State opposing the de-listing should justify its objection.[23] Unlike de-listing requests under regular circumstances, for the purpose of the review the Committee only requested relevant States "to indicate whether they deem the listing remains appropriate". In many cases, States did provide an explanation of their opinion, but not always, and in the latter cases their recommendation is likely to have carried less weight. Often the Chair would seek further information from the Member State, as did the Monitoring Team, either at the request of the Chair or on its own initiative, but this delayed the review and did not always lead to results.

1. Removal of dead people from the List

48. Prior to the review, only one person had been removed from the List on account of his death, although the Team believed that 30 listed individuals might be dead and the List itself recorded the likely death of 16 when the review began in July 2008. By the end of the review, the Committee had removed a further 8 deceased persons and had learned of the possible death of 10 others. Those names will be considered by the Committee in its six-monthly review of deceased persons as required by paragraph 26 of resolution 1904 (2009).

49. The removal of the names of eight dead people from the List was certainly one of the major achievements of the review. The presence of dead people on the List is a serious impairment to its credibility, but the Committee Guidelines stipulate that in order to remove a deceased individual, the Committee needs a death certificate, or similar official document, and an official statement that no legal beneficiary or co-owner of any frozen assets is also listed. Given the difficulty of proving the deaths of individuals in areas where the Taliban and Al-Qaida tend to operate, Committee members are cautious about removing the names of people reported to have died without this certification. The review justified this caution as new information on nine cases suggested that an individual thought to be dead was in fact alive.

[23] See also resolution 1904 (2009), para. 25.

50. The Committee therefore decided to retain on the List, until the necessary documentation is available, the names of 45 individuals whose death is already reflected on the List or has been reported to the Committee by at least one Member State.[24]

2. Removal of defunct entities from the List

51. During the review, the Committee learned that 32 of the 111 entities on the List were defunct. The Committee agreed to remove three of those names and suspended a decision for five others, pending the provision of more information.

3. Removal of ambiguous entries from the List

52. Only one name was removed from the List during the review because it lacked sufficient identifiers;[25] but, based on information received as a result of the review, the Team will propose changes to the List that, if accepted by the Committee, should provide a further 38 entries with sufficient identifiers for effective implementation.

C. Improvement of List entries

53. Efficient implementation of the sanctions measures is difficult at the best of times, but near impossible against names that lack sufficient, current detail. Of the 488 names reviewed, 159 had never been updated, 73 of which first appeared on the List in 2001; and this figure would have been greater still but for a technical change to all 142 Taliban entries in 2007. One of the principal purposes of the review therefore was to improve the quality of the entries on the List. As a result of the review the Committee will consider 465 amendments to the List, affecting 391 current entries.

Taliban names

54. At the start of the review there were 142 entries on the List related to the Taliban, all but one dating back to 2001 or 2002. The Committee removed five names in January 2010 and five more in July 2010, two persons being dead and the rest considered to have reconciled with the Government of Afghanistan. This relatively low number of de-listings contrasted with increasing talk of the need to review the Taliban section of the List, or even abandon it altogether, in the context of an incipient reconciliation process in Afghanistan.

55. The Team believes that there were several reasons why the Committee may have been reluctant to remove more Taliban names. First, the Government of Afghanistan itself was late engaging with the review process, in part through lack of capacity and in part through divisions of opinion in Kabul. Second, the Committee had no intention of removing the names of Taliban before it was clear that they had reconciled with the Government. Third, the Committee took a cautious approach to Taliban who claimed that they had reconciled with the Government but still professed support for Taliban objectives. Fourth, the Committee lacked sufficient

[24] An exception is Zelimkhan Ahmedovich Yandarbiev (QI.Y.106.03), whose death is accepted but no State has proposed his de-listing.

[25] Zia Mohammad (formerly QI.M.32.01).

information to be sure that Taliban who appeared to be inactive were not in fact operating in areas where they were largely invisible.

56. The fact remains however, that the Taliban entries on the List (and the corresponding narrative summaries) contain far less information than is common for Al-Qaida entries. Little new information became available during the review, whether from designating States or from others, and, in this respect, the impact of the review on Taliban listings has been disappointing.

D. Improvement of narrative summaries of reasons for listing

57. Narrative summaries of reasons for listing prepared by the Monitoring Team in conjunction with the designating States, as required by resolution 1822 (2008), often contain less than obvious justification for an initial listing, let alone for its continuation. For example, all too often narrative summaries contain no information about the activities of the listed individual or entity over the last five years or more. This lack of information may be because States do not wish to reveal what they know, or because the older information is so strong that an inference of continued activity is warranted, but it may also be an indication of inactivity. A thin narrative summary inevitably raises questions about a listing but, unfortunately, although the Team has either proposed or intends to propose 217 amendments to narrative summaries on the basis of information collected during the review, many of the least revealing narrative summaries will remain unchanged.

VI. Lessons from the review: the impact of the sanctions regime

58. While many Member States have told the Team that the regime makes a positive contribution to their national efforts to combat Al-Qaida and the Taliban, the review put their level of support to the test by demanding considerable input, especially from those States most affected by the threat. The quality and quantity of information provided by States in the context of the review, and the timeliness with which they supplied it, gave a fair indication of their commitment to the regime. In addition, the review provided useful data regarding the impact of the sanctions regime, showing which individuals and entities are most — and least — affected by it, whether because they are geographically beyond the exercise of State control or because other factors undermine implementation.[26]

59. The listing of individuals, groups and entities under the sanctions regime imposed by resolution 1267 (1999) has three main consequences: first, it has a preventive effect by restricting their ability to promote the objectives of the Taliban, Al-Qaida and their associates through the assets freeze, travel ban and arms embargo; second, it alerts law enforcement and other national agencies to the activities of listed parties; and, third, it signals to the world at large that all 15 members of the Security Council have agreed that these particular individuals, groups and entities pose a threat to international peace and security, and so helps to build an international consensus to take action against them.

[26] For example, nine States provided information on the implementation of the assets freeze against 22 List entries (2 Taliban individuals, 13 Al-Qaida individuals, and 7 Al-Qaida entities).

A. Preventive effect

1. Individuals

60. The restrictive element of the sanctions regime appears to have had its greatest impact on the financing of the Taliban and Al-Qaida, both at the leadership level and at the level of listed affiliates. Frequent calls for donations by the groups, and their claims to be unable to launch attacks for lack of money, have encouraged further emphasis on adding financiers to the List. Financiers sit at the most visible end of terrorist networks and because they travel and have money and other assets, they are the most susceptible to the impact of the measures. As a result of listing, several financiers have changed their behaviour, even to the extent that the Committee has removed their names from the List. The impact on listed financiers will also, in all likelihood, have deterred others from risking the same fate. The objective of persuading listed parties to change their behaviour is an important element of the sanctions regime, as is its deterrent effect, and the Committee removed the names of 24 listed individuals during the review on the basis that they no longer supported Al-Qaida or the Taliban.

61. The review showed that while States do implement the measures where they can, at least 30 Al-Qaida individuals and many listed Taliban reside or operate in areas that are outside complete government control. While the sanctions regime may force some Taliban individuals to remain in remote areas, and the Team notes that this may be one reason that senior Taliban wish to have their names removed, nonetheless the preventive objective of the measures is largely unachieved. Despite this, neither the Committee nor Member States had any hesitation in confirming that listing remained appropriate for many people on the List on whom the sanctions regime appears to have no direct impact.

62. This paradox suggests that States see the value of listing as much in the symbolic and awareness-raising aspects of the regime as in its restrictive effect. However, States also recommended the continued listing of people who are well known and subject to strict State control, or even in prison.[27] It is unlikely that the listing of these individuals has made much difference to the level of attention paid to them by State authorities, but because they have shown no change in their written and oral support for Al-Qaida or the Taliban, neither of which is a criterion for listing, States have recommended continued listing and the Committee has agreed.

63. Member States and the Committee have shown an uncompromising attitude towards individuals who serve as ideologues or propagandists for Al-Qaida and its affiliates. The review process has resulted in the confirmation of listing of all individuals who, while not listed solely on this basis, are primarily known for their role in providing ideological justification for Al-Qaida-related violence to new recruits or to a wider audience. This is despite the fact that the sanctions measures themselves have little if any impact on their key tool: the ability to communicate and persuade via the Internet. Their websites, writings, and speeches remain readily available and widely distributed.

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[27] In the course of the review, the Committee received information from seven States about legal action concerning 74 individuals. One State provided information on court proceedings and sentences regarding 52 names on the List.

64. The fact that States and the Committee are keen to maintain the listings of ideologues despite the lack of impact appears to be an indication of a wider trend in counter-terrorism, which is to match effort to catch and detain terrorists with effort to prevent others from becoming terrorists in the first place. If this is the case, the Security Council may like to consider how to have more effect in this area. In resolution 1904 (2009), paragraph 4, the Council confirmed that States should apply the assets freeze to resources used to provide Internet hosting or related services, but the legal, ethical and technical difficulties of denying Al-Qaida-related ideologues a platform are likely to be beyond the power of the sanctions regime to resolve.

2. Entities

65. The Committee reviewed the listing of 111 entities and decided to remove the names of 21. The relatively high proportion of de-listings illustrates an area of success for the sanctions regime. While the listing of non-governmental organizations acting as charities has been controversial, it has also been effective. Most incorporated entities subjected to the measures have closed down and now cease to function,[28] or else States have taken them over or placed them under a custodial relationship.[29] Either way, such measures have prevented the organizations concerned from providing further support to Al-Qaida and associated groups. The impact of these measures, however, has suffered from the creation of successor organizations, which are often not targeted by States of location until the Committee adds their names to the List.[30]

66. The impact of listing unincorporated entities has been less obvious. Although listing an entity as associated with Al-Qaida provides a basis for further listings, for example of its leaders, it has little actual restrictive effect because these groups do not conduct day-to-day transactions under their official names. It does however oblige Member States to prevent the flow of any funds that would accrue to their benefit.[31] Moreover, the review process has revealed that many of the list entries for unincorporated entities lack basic identifiers, such as country or region of operation, even though this information is well-known. The Team intends to propose amendments accordingly.

B. Alerting law enforcement

67. While the sanctions measures do not require law enforcement or related agencies to take action against listed parties, there are good arguments to alert them to the presence of listed persons within their areas of operation. However, they will not react to listings that lack identifiers, or are ambiguous, or for which the narrative summary reveals too little about the reasons for listing. Indeed, the lack of detail has meant that INTERPOL-United Nations Security Council Special Notices, which are

[28] For example, Al-Haramain Islamic Foundation (QE.A.71.02), Global Relief Foundation (QE.G91.02) and private companies such as those in the Al-Barakaat network (inter alia QE.A.24.01) and those related to Youssef Nada (now de-listed), such as Bank al-Taqwa (now de-listed).

[29] For example Lashkar-e-Tayyiba (QE.L.118.05) in Pakistan or Hotel Nasco (now de-listed) in Italy.

[30] For example, it is alleged that Lashkar-e-Tayyiba, also listed as Jamaat-ud-Dawa, continues to operate as the Falah-e-Insaniyat Foundation.

[31] The Assets Freeze: Explanation of Terms on the Committee's website explains that, where a Member State has information, for example, that particular funds are intended for a listed entity, it should apply the assets freeze.

the key tool for disseminating information about listed persons to law enforcement agencies, existed for 309 of the 488 names on the List at the start of the review; the number now stands at 361 and is likely to rise.

C. Building international consensus

68. In some cases Member State implementation of the sanctions measures has been undermined by factors such as a lack of effective legislation, a lack of capacity or a lack of priority; but the most corrosive issue has been a perceived lack of fairness, whether expressed by national or regional courts, by politicians or by the public at large. The Security Council has taken many steps to improve the fairness of the regime, and the review is one of them. The fact that the Committee has examined 488 listings and confirmed that 380 are appropriate, after consulting all relevant States, has gone some way to address the frequent criticism that, once on the List, there are few ways to get off.

69. The sanctions regime is only one aspect of multilateral cooperation against Al-Qaida and the Taliban, but it is perhaps the most visible. To the extent that they see the review as a success, States can now regard the List as representing broad international consensus on which individuals, groups and entities associated with the Taliban and Al-Qaida present a threat to international peace and security and so require action. The review has demonstrated both the Committee's interest in receiving contributions from other States, and the influence that those contributions can have; and, from their experience of the review, States should now be more inclined to engage actively with the Committee by offering further information about listed parties, submitting new names for listing, or arguing for de-listings. It is only through such engagement that the List will remain current and useful, and maintain international support.

VII. Recommendations for the conduct of future reviews

70. Security Council resolution 1904 (2009) sets out a schedule of reviews beyond the one required by paragraph 25 of resolution 1822 (2008), which the Committee completed in July 2010. First, the Committee must hold an annual review of all listings that have not been reviewed in three or more years (resolution 1904 (2009), para. 32).[32] This will mean that by July 2011 listings made after the adoption of resolution 1822 (2008) will begin to become eligible, and shortly thereafter the first listings that the Committee reviewed under paragraph 25 of resolution 1822 (2008) will come up for further review. In addition, reviews are stipulated every six months for dead people and annually for list entries that lack identifiers (ibid., paras. 26 and 31). Finally, the Committee is directed to resolve all issues pending at the date of the adoption of resolution 1904 (2009) by 31 December 2010 (ibid., para. 42).

[32] By paragraph 32 of resolution 1904 (2009), the Council directed the Committee, upon completion of the review described in paragraph 25 of resolution 1822 (2008), to conduct an annual review of all names on the Consolidated List that have not been reviewed in three or more years, in which the relevant names are circulated to the designating States and States of residence and/or citizenship, where known, pursuant to the procedures set forth in the Committee guidelines, in order to ensure that the Consolidated List is as updated and accurate as possible and to confirm that listing remains appropriate.

71. Reviews will therefore become a regular part of the activity of the Committee and in the short term they may create a good deal of work, both for the Committee and for relevant Member States; but, as the List improves and procedures become established, the reviews will take less time and become easier to handle. There is still a danger, however, that States that are not directly involved in the Committee's decision-making process will resent spending time researching a name and giving their opinion on the listing if they believe that their advice is consistently ignored with no reason given.

A. General

72. The Team recommends that the Committee encourage States, where appropriate, to take a more active part in reviews by appearing before the Committee to discuss cases of particular interest or importance. This might be, for example, where a State wishes to put a case for de-listing, or where the information about a listed person is complicated, or where differences of opinion exist. The success of the reviews depends on the input provided by Member States and, where the Committee has a difficult case, or where a State is involved in several reviews, the Committee might wish to take the initiative itself and invite the relevant State to attend a meeting. Such interaction with States would also be in harmony with the encouragement given to States to appear before the Committee in paragraph 36 of resolution 1904 (2009).

73. During the review pursuant to paragraph 25 of resolution 1822 (2008), the only practical way for the Committee to contact the many States involved was by sending standardized letters asking for information. Future reviews will cover fewer names and the Team recommends that, wherever possible, letters to States are tailored to the cases concerned. This will lead to more clarity for States, encourage dialogue, and result in more comprehensive replies. The Team recommends this approach in particular for the reviews of dead people and defunct entities where the Committee requires certain specific assurances from States before removing the names from the List.

74. The Team recommends that the Committee encourage States to appoint a single national focal point for dealing with the Committee's reviews and allow the Committee to deal directly with the focal point, copying their Mission in New York, once the initial letter requesting information has been sent. States have faced a tremendous reporting burden as a result of the review and anything to minimize unnecessary work should be welcome. A direct link between the Committee and the Team on the one hand, and the responsible officials in capitals on the other, will help to achieve this.

75. It is possible that some names may qualify for more than one review; for example a person believed to be dead whose de-listing is on hold and whose entry lacks identifiers could feature in three reviews. The Committee may see this as unnecessary duplication, but the Team recommends that the Committee allow names to come up for review whenever they are eligible so as to ensure that it devotes time to the most problematic entries on the List.

76. Austria, as the Chair's delegation, assisted by the Committee secretariat, put in an enormous amount of work in organizing the modalities of the review. The Team recommends that the Austrian Mission and the secretariat prepare a brief lessons-learned paper on this issue. The Team also recommends that for future reviews the

Chair's delegation and the secretariat propose to the Committee a structure for each review a month before it is due to start so that Committee members can make suggestions, better understand the work involved, and develop a greater sense of ownership. This would also help the Committee secretariat to schedule the necessary number of meetings and book rooms and interpretation accordingly.

77. The Team also recommends that the Committee include in its programme of work every six months a discussion of its progress with reviews, and so remain aware of the volume of work in prospect. It further recommends that the Committee's programme of work allow for discussion of each review, and its conduct, once it is concluded in order to improve procedures for the future.

78. The Team recommends that when States provide the Committee with information which is not in an official language of the United Nations, they attach a translation.

B. Triennial review of all names (paragraph 32 of resolution 1904 (2009))

79. The Team believes that the arguments to retain most listings are relatively straightforward, and increasingly so as the criteria for listing have become stricter; but those listings that are less obviously appropriate should be subject to some open debate. The Team recommends that in cases where Committee members have no information to go on, whether from the relevant States or the Monitoring Team, States that support the continued listing should be obliged to provide something substantial. Such information should cover at least one of the criteria for listing set out in resolution 1617 (2007).

80. In its tenth report, the Team recommended that, in order to increase the accuracy of the List and the impact of listing, when contacting the State of residence in the context of the review, the Committee should ask for all information on the whereabouts of the party, its circumstances and activity, together with a note of any additional measures taken to prevent its support for terrorism (S/2009/502, para. 24). The Team continues to recommend such action and in addition recommends that the Committee ask about the existence of frozen assets and valid travel documents, and seek information on any court challenges involving the listed party.

81. In paragraph 25 of resolution 1904 (2009) the Security Council encouraged the Committee to give due consideration to the opinions of the designating State(s) and State(s) of residence, nationality or incorporation when considering de-listing requests, and called on Committee members to make every effort to provide their reasons for objecting to such de-listing requests. The Team notes that, during the review, when a Committee member disagreed with a de-listing proposal, it did not always provide a reason, and in no case was a reason made public. It is of course the prerogative of Committee members alone to decide on a de-listing, but the Team continues to recommend that more weight be attached to the opinions of States that are likely to know most about a listed party, particularly when they have taken appropriate action to deal with the threat. This will usually be the State(s) of nationality and residence.

82. The triennial review prescribed by paragraph 32 of resolution 1904 (2009) presumes that a name will remain on the List unless the Committee decides to

remove it. The Team recommends however, that where no Member State or the Monitoring Team has discovered any information about the activities of a listed person over two review periods, the Committee invite the designating State to submit a de-listing request or update the List entry.

83. During the review, Committee members who were designating States or States of nationality or residence, or incorporation or location for entities, were asked for their opinion on the continued appropriateness of a listing in advance of the Committee discussion of the name. As Committee members should be in possession of all available information before deciding on the appropriateness of a listing, the Team recommends that the Chair continue to collect in advance information from Committee members in their capacity as the designating State or State of residence or nationality, or incorporation or location for entities, but allow them to delay expressing their opinion on the listing until the Committee discusses the name.

84. Other States should be more aware of the importance of supporting their recommendations for the de-listing or retention of names on the List, and the Team recommends that for future reviews the Committee request Member States that express their opinion on the appropriateness of a listing to give their reasons, regardless of whether they argue for the retention or the removal of the name.

85. By the time of the next review, there will be a narrative summary of reasons for listing for all listed parties in accordance with paragraph 14 of resolution 1904 (2009). The Team recommends that, when writing to States about listings, the Committee attach the latest version of the corresponding narrative summary and ask the State to provide any further information that could be used to update it.

86. The Team further recommends that the Committee request it to prepare annually a list of all entries for which the corresponding narrative summary of reasons for listing contains no information that substantiates the listing in accordance with the criteria set out in paragraph 2 of resolution 1904 (2009).

87. For the review, the Committee divided the 488 names subject to review into five batches and sent them to States at three-monthly intervals. However, for various reasons, the Committee concluded its review of most names only in the last two months of the review period. To avoid an uneven distribution of work in future reviews, the Team recommends that the Committee calculate the three-year period before the next review from the date the names were circulated to States, rather than three years from the date the Committee concluded its review.

C. Six-monthly review of dead people (paragraph 26 of resolution 1904 (2009))

88. The Team recommends that when reviewing listed individuals who are reportedly deceased, the Committee take a flexible approach to the documentation required to confirm death. When listed individuals die in remote areas, particularly if they are the nationals of another State, it is difficult or even impossible for the State where the death occurred to issue any official confirmation. In such cases the Team recommends that the Committee accept any official communication from the relevant State declaring a listed person to be dead as fulfilling the requirement for "credible information regarding death" set out in paragraph 26 of resolution 1904 (2009).

89. A further issue that has made the removal of dead people as hard if not harder than the removal of those who are still alive has been the Committee's requirement for an official statement saying that any assets belonging to the deceased person's estate, if unfrozen, will not benefit another listed party. Many listed individuals have no frozen assets and the Team recommends that the Committee formalize its practice to accept as sufficient for de-listing a statement to this effect from the State(s) of nationality and residence.

90. Defunct entities, by definition, can no longer perform any of the activities described in paragraph 2 of resolution 1617 (2005) and therefore no longer meet the criteria for listing. The Team recommends that the Committee include in its review of dead people a review of entities reported to be defunct. This would necessitate the Monitoring Team circulating every six months a list of entities believed defunct.

D. Annual review of entries that lack identifiers (paragraph 31 of resolution 1904 (2009))

91. At the start of the review, there were 77 entries on the List for individuals that had fewer than four basic identifiers. As a result of information provided during the review, this number is likely to drop to 39. In order to continue to purge the List of inadequate entries, the Team recommends that, when conducting its triennial review, the Committee invite the relevant designating States to submit de-listing requests for names that lack sufficient identifiers to allow effective implementation of the measures. For an individual, this should include the full name, date of birth, place of birth and nationality. For a legal entity, this should include full registered name and the location of all offices, branches or subsidiaries that are subject to sanctions.

E. Review of pending issues by 31 December 2010 (paragraph 42 of resolution 1904 (2009))

92. By resolution 1904 (2009) the Security Council required the Committee to conduct a regular review of unresolved issues to ensure that, except in extraordinary circumstances, they do not remain pending for more than six months. It also urged the Committee to resolve all issues pending as at 17 December 2009, the date of adoption of the resolution, by 31 December 2010 (resolution 1904 (2009), paras. 41 and 42). Many pending issues, known as holds, arise because Committee members need more information from other States.

93. Of the 31 issues on hold in December 2009, eight are now fully resolved but the Committee is waiting for more information from States on the remaining 23, of which 15 are listing or de-listing proposals. The Team recommends that, in all cases, the Committee write immediately to the States concerned and remind them of the Security Council directive as set out in resolution 1904 (2009). The Committee should inform the relevant States that it intends to remove the issues from its consideration if no further information is available by 31 December 2010, while inviting them to renew their submissions at a later date, with additional detail, if they so desire.